

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:22-cv-00057-MR**

<b>ANTWAIN LAMAR DENNIS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>LESTER TORRES, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the U.S. Marshal's second return of unexecuted Summons for Defendant Luis Velasco. [Doc. 36].

On August 26, 2022, the North Carolina Department of Public Safety (NCDPS) filed a document under seal indicating it was unable to procure a waiver of service for Defendant Luis Velasco for the reasons stated in that document. [Doc. 20]. The sealed document provided the last known address for Defendant Velasco. [See id.]. The Court, therefore, ordered the U.S. Marshal to use reasonable efforts to locate and obtain service on this Defendant in accordance with Rule 4. [Doc. 21]. The Court directed the Clerk of Court to provide a copy of Docket No. 20 to the U.S. Marshal for its eyes only for the sole purpose of serving Defendant Velasco. [Id. at 3].

The U.S. Marshal returned the Summons for Defendant Velasco unexecuted, explaining, “[c]ould not locate address. Also checked in LEO database and could not locate.” [Doc. 23 at 1]. The Court, therefore, ordered defense counsel to consult with the NCDPS and confirm the correct last known address for Defendant Velasco. [Doc. 24]. Defense counsel complied, confirming the previously provided last known address for Defendant Velasco and providing other information potentially helpful to serving this Defendant. [Doc. 28 at 1]. The Court, therefore, directed the Clerk to send an order to the Marshal to again attempt service on Defendant Velasco at the last known address with this additional information. [Doc. 34]. The U.S. Marshal returned the Summons unexecuted, explaining that “[t]he address listed is wrong.” [Doc. 36 at 2]. The U.S. Marshal also provided a possible updated address for Defendant Velasco that is substantially similar to the previously provided address, including a single-digit difference in the listed street address.<sup>1</sup> [Id.].

The Court, therefore, will again order defense counsel to submit a status update and amended sealed document after conferring with the NCDPS regarding Defendant Velasco’s last known address and/or any

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<sup>1</sup> The “9” listed in the previously provided address may be a “4.” [See Doc. 20 at 1; Doc. 36 at 2]. It also appears that the street name may be “NE” rather than “NW.” [Id.].

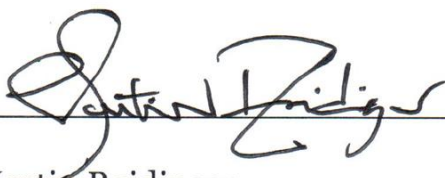
additional information necessary or helpful to the U.S. Marshal to effect service, if appropriate, within ten (10) days of this Order. Defense counsel is specifically instructed to confer with the NCDPS regarding the information provided in the footnote herein.

**ORDER**

**IT IS, THEREFORE, ORDERED** that defense counsel shall consult with the North Carolina Department of Public Safety regarding Defendant Velasco's last known address and file a status update and amended sealed document with Defendant Velasco's last known address and/or any additional information necessary or helpful to the U.S. Marshal to effect service, if appropriate, with the Court within ten (10) days of this Order in accordance with the terms of this Order.

**IT IS SO ORDERED.**

Signed: January 6, 2023

  
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Martin Reidinger  
Chief United States District Judge

